

REMARKS

The Office Action dated June 12, 2008, has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claim 1 is amended and claim 3 is cancelled. Support for the amendments can be found in the drawings and specification, and the description of the diverter module. No new matter is added. Claims 1-2, 4-11 and 18-35 are pending in the application and are submitted for reconsideration

At the outset, Applicants submit that this Office Action was improperly made final. For example, the previous amendments submitted March 5, 2008, have not been considered as evidenced by the rejections of cancelled claims or objections to subject matter already deleted from the claims. Further, already cancelled claims have been rejected again over prior art and, it is unclear from the prior art rejections what claims were actually examined in preparation of the present Office Action. Applicants suspect that the claims as amended by the Amendment dated March 5, 2008, were not the subject of examination for the current Office Action. Therefore, Applicants request that the Office Action be withdrawn and a new, non-final Office Action be issued.

Claims 1-25, 27 and 28 were rejected as failing to define the invention in the manner required by 35 U.S.C. §112, second paragraph. Claim 7 was rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 10 was rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 12-15 were rejected under 35 U.S.C. §112, second paragraph

as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. And claim 16 is rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

As already noted above, Applicants have already addressed each of these rejections previously and have overcome by the amendments to the claims with its Amendment dated March 5, 2008. For example, claims 12-17 were previously cancelled. Claim 7 was amended to remove the objected language. Claim 10 was already amended to depend from claim 9. Accordingly, each of the above rejections are improper and must be withdrawn.

Claims 1-9, 15, 17, 20-22, 24, 25, 28-31 and 33-35 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,371,473 issued to Saltsov et al. ("Saltsov"). Applicants respectfully traverse the rejection and submit that claims 1-2, 4-9, 20-22, 24-25, 28-31 and 33-35 recite subject matter not disclosed by Saltsov.

Again, Applicants point out that already cancelled claims 15 and 17 are the subject of this rejection.

Claim 1, upon which all other pending claims depends, defines an apparatus for processing bank notes that includes a transport system with a plurality of transport paths for transporting bank notes. The transport system has a diverter device with a bidirectionally drivable transport path linking two transport path branchings to permit bank notes in the transport path to be transported in two opposite directions. The diverter device has at least four inputs/outputs and a diverter module with at least four inputs/outputs. The diverter module is a separate part; the separate part being adapted

to be removed and/or swung open. The bid directionally drivable transport path is in fixed position relative to the part.

The Office Action argues that the bidirectionally drivable transport path passes through the center points of the switch members (500). This interpretation, however, ignores limitations of claim 1. Claim 1 have been amended to clarify that the bidirectionally drivable transport path links the two transport path branchings, which Saltsov clearly fails to disclose.

The Office Action also argues that the banknote accumulators 2, 3a, 3b, 3c are module in combination with the member 500. According to this interpretation, however, the module would not have four inlets/outlets, but only two. In contrast, claim 1 requires that the diverter device has at least four inlets/outlets provided by the diverter module.

Further, claim 1 requires that the module is a separate part, which can be removed and/or swung open. In claim 1, the module cannot only be given by parts of the combination of the banknote accumulators 2, 3a, 3b, 3c and the member 500.

The Office Action refers to Figure 28 of Saltsov, which only shows that the drum can be disassembled. In any case, however, one skilled in the art would not recognize a removable module or member cannot be recognized within Figure 28 of Saltsov.

Finally, it is noted that claim 1 recites the feature that the bidirectionally drivable transport path takes a fixed position in relation to the part. Thus, the argument of the Office Action that the bidirectionally drivable transport path in Saltsov et al. is could be rotatable is moot.

Thus, for the foregoing reasons, Applicants submit that Saltsov fails to disclose each and every element of claims 1-2, 4-9, 20-22, 24-25, 28-31 and 33-35.

Accordingly, Applicants request that the rejection be withdrawn and claims 1-2, 4-9, 20-22, 24-25, 28-31 and 33-35 be allowed.

Claims 10-14, 16 and 27 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Saltsov '473 in view of U.S. Patent No. 7,051,926 issued to Saltsov. Claims 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Saltsov '473 in view of U.S. Patent No. 6,241,069 issued to Mennie et al. ("Mennie"). Applicants respectfully traverse these rejections and submit that claims 10-11, 18-19, 27 and 32 recite subject matter that is not disclosed nor suggested by the combination of cited prior art.

Claims 10-14 and 16 have already been cancelled and the rejection of these claims is moot. Claims 10-11, 18-19, 27 and 32 and are patentable for at least the reasons already set forth above by their dependency upon claim 1. That is, Saltsov '926 and Mennie fail to cure the above described deficiencies in Saltsov '473.

Moreover, Applicants note that the argumentation in the Office Action that the inputs/outputs of the storage devices can be regarded as transportation paths is extremely far fetched and appears to be the result of an impermissible hindsight. Thus, for this separate, independent reason, the rejection to claims 10-11, 18-19, 27 and 32 is improper.

Accordingly, the rejections to claims 10-11, 18-19, 27 and 32 are improper and must be withdrawn.

In view of the above, all objections and rejections have been sufficiently addressed. The Applicants submit that the application is now in condition for

allowance and request that claims 1-2, 4-11, 18-37 be allowed and this application passed to issue.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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Date

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